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AUG 04 2006

OFFICE OF PETITIONS

In re Application of
Joseph G. DESLOGE
Application No.: 09/396,175
Filed: September 19, 1999

: DECISION ON PETITION
:
: UNDER 37 CFR 1.137(b)
:

Attorney Docket No.: MIT.7238

:

This is a decision on the petition under 37 CFR 1.137(b), filed February 04, 2005 to
revive the above-identified application.

The petition is **DISMISSED**.

The petition does not satisfy the conditions for revival pursuant to the provisions of 37
CFR 1.137(b). It satisfies conditions (1) a declaration and substitute specification; and (2)
the petition fee has been provided.

With respect to condition (3) under 37 CFR 1.137(b), in view that the patent application
has been abandoned for extended period of time, petitioner's language for this section is
required to track the language specifically set forth therein.

In this application, no terminal disclaimer is required. As a result, it is recommended that
petitioner submit a request for a refund of the terminal disclaimer fee of \$110.00. This
request must be addressed to:

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Consequently, the petition is deemed to not to satisfy condition (3) under 37 CFR 1.137(b).


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Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency action within the meaning of 5 U.S.C. § 704.

Telephone inquiries concerning this decision should be directed to Rafael Bacares at (571) 272-3276 or in his absence, the undersigned at (571) 272-3217.


Frances Hicks
Petitions Examiner
Office of Petitions